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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,980	07/14/2005	Bernd Luhmann	101769-283 tessa 1661-WCG	6874
27386	7590	01/26/2007 NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022	EXAMINER ZIRKER, DANIEL R	
			ART UNIT 1771	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/516,980	LUHMANN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Daniel Zirker	1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/3/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: ____                           |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunshee, US 2002/0165477, taken either individually, or in view of Stempel, US 5,492,943 as evidence of the state of the art. Dunshee discloses (note particularly the Abstract, paragraphs 0011, 0053, 0058, 0059, 0079, 0118-0120,) a broad genus of stretch releasable pressure sensitive adhesive compositions and accompanying stretch release adhesive coated articles. The adhesive composition may include ([0058]) suitable amounts of styrene block copolymers mixed with a suitable tackifier together with other materials which can be added for special purposes. The reference appears to lack a specific teaching of a water swellable absorbent compound that is incorporated into the (adhesive) mixture, but does disclose ([0119]) a broad genus of superabsorbent particles which includes at least several of applicants' most preferred superabsorbent species, and although the reference teaches that these particles "can be distributed uniformly throughout the backing substrate or can be coated onto either major surface of the backing", note also the broader teaching in the first line of [0120] of a listing "of other additives that can be included into the backing **and/or adhesive**" which the Examiner believes is sufficient, particularly for purposes of obviousness, for one of ordinary skill to conclude that it is within the skill of the art to incorporate such water swellable superabsorbent particles into the stretch release pressure sensitive adhesive

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in an attempt to control the moisture content and, consequently, the bonding properties of the adhesive. Alternatively, note Stempel (note also the Abstract, Col 3, line 42-Col 4, line 67, Examples) at Col 1, lines 38-46 wherein it is taught that absorbents such as hydrocolloids can be dispersed into a related adhesive for the purpose of absorbing fluids found therein and thereby maintain and possibly enhance adhesive attachment to the skin. With respect to such parameters as (claims 3 and 4) the amount of swellable compounds that are permitted in the adhesive the Examiner firmly believes that this is but a routine optimization for one of ordinary skill, depending primarily upon the bonding properties which are desired, and with respect to those parameters that are not either expressly or inherently disclosed in the relied upon prior art the Examiner submits that such a determination is well within the ordinary skill of the art, in the absence of unexpected results.

3. The Examiner notes that what appears to be the otherwise closest cited prior art, such as that cited in the PCT Search Report, comprises references which are totally silent with respect to the disclosed psa compositions as being stretch releasable compositions. Although certain of these disclosed genuses may (and very probably do) contain a number of species of inherently anticipating adhesive compositions it is believed certain that others disclosed species do not anticipate, and that, coupled with the absence in any of these references of any suitable guiding teaching relating to the presence or formation of stretch release adhesives, is believed to clearly make such prior art, irregardless of how relied upon, inferior to that cited above.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Friday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 - 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker  
Primary Examiner  
Art Unit 1771

